

Claims 39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki, et al., U.S.P. 6,097,842. These claim rejections should be withdrawn because Suzuki does not teach or suggest all elements of the pending claims. Claim 39 recites:

assigning a *priority* to each VOL,  
transmitting each VOL by transmitting an identifier of the VOL's *priority*.

Suzuki says nothing about priority. A simple word search reveals that the term "priority" appears nowhere in Suzuki's disclosure. From the Office Action's reliance on Suzuki's discussion of the video\_object\_layer\_id and the scalability flag, it appears that the Examiner reads these features to be equivalent to the claimed priority. They are not.

As the specification describes, priority indications are useful because they permit important data to be scheduled ahead of unimportant data during data delivery. Unimportant data may be deferred or even discarded as required. Prioritization also provides for graceful degradation when bandwidth, memory or computational resources become limited. Specification, p. 4.

Suzuki's discussion is limited to scalability. As Suzuki explains, MPEG adopts a scalable encoding system for coping with different picture sizes or different frame sizes. In spatial scalability, if only a lower-layer bitstream is decoded, for example, only a picture with a small picture size is obtained, whereas, if both lower-layer and upper-layer bitstreams are decoded, a picture with a large picture size is obtained. Based on the value of the scalability flag, then the following parameter data are transmitted in the channel:

- ref\_layer\_id,
- ref\_layer\_sampling\_direc,
- hor\_sampling\_factor\_n,
- hor\_sampling\_factor\_n,
- vert\_sampling\_factor\_n,
- vert\_sampling\_factor\_n and
- enhancement\_type.

See, Suzuki, FIG. 35. Clearly, priority indicators and scalability indicators are different.

Applicants submit herewith in Appendix B copies of §§ 6.2.3 and 6.3.3. of the MPEG-4 standard. These sections define the syntax for video object layers. Note that the standard

provides for **both** a priority indicator and a scalability flag. The priority indicator occurs in the is\_object\_layer\_identifier and video\_object\_layer\_priority fields (p. 110). The scalability flag is shown on p. 118 and appears to be identical to Suzuki's flag. See, Table 1 below. One would expect that, if the Examiner were correct and the scalability flag was an "assigned priority" as the Examiner contends, then there would have been no need to include the is\_object\_layer\_identifier and video\_object\_layer\_priority fields in MPEG-4. Of course, they are not. MPEG-4 includes both priority indicators and scalability indicators because they are different.

APPLICANTS' DISCLOSURE	SUZUKI	MPEG-4
is_video_object_layer_identifier 1 if (is_video_object_layer_ identifier){ video_object_layer_priority 3 }	[???	is_video_object_layer_identifier 1 if (is_video_object_layer_ identifier){ video_object_layer_verid 4 video_object_layer_priority 3 }
Spec. p. 4.		MPEG-4, p. 35.
scalability if (scalability) { hierarchy_type ref_layer_id ref_layer_sampling_direc hor_sampling_factor_n hor_sampling_factor_m vert_sampling_factor_n vert_sampling_factor_m enhancement_type FIG. 35	1 1 4 1 5 5 5 5 1	scalability if (scalability) { hierarchy_type ref_layer_id ref_layer_sampling_direc hor_sampling_factor_n hor_sampling_factor_m vert_sampling_factor_n vert_sampling_factor_m enhancement_type MPEG-4, p. 38.

Table 1

To maintain the outstanding rejection, the Examiner would have to interpret these claim terms in a manner that is inconsistent with well-known terms in the art.

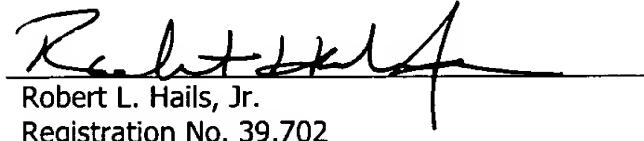
Suzuki's disclosure of a scalability flag has nothing to do with an assigned priority as is recited in claim 39. Claim 39, therefore, is allowable. Suzuki's disclosure of a video\_object\_layer\_id is different than the is\_object\_layer\_identifier and video\_object\_layer\_priority fields recited in claim 40. This claim also is allowable over Suzuki.

Claims 34, 35, and 39-44 are rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki et al in view of Chang, et al. As Applicant notes, Suzuki does not teach or suggest any system that assigns priorities to VOLs or that transmits identifiers of VOL priorities. Chang does not appear to teach or suggest this missing subject matter. Chang's disclosure is limited to the

coding of video objects, not video object *layers*, and to ranking of transmissions among the coded objects. These references, even if considered together, do not teach or suggest the prioritization of video object layers.

All claims are allowable over the cited art. Applicants respectfully request allowance of the application.

Respectfully submitted,



The image shows a handwritten signature in black ink, appearing to read "Robert L. Hails, Jr.". A horizontal line is drawn under the signature.

Robert L. Hails, Jr.  
Registration No. 39,702

Date: September 18, 2002

KENYON & KENYON  
1500 K Street, N.W.  
Washington, D.C. 20005  
Ph.: (202) 220-4200  
Fax.: (202) 220-4201